

A Business Owners Guide to the ADA

Lincoln , CA
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Presented By
The City of Lincoln





Presenters

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Session 1 Topics

- Readily Achievable Barrier Removal
- Architectural Barriers
- How to reduce exposure to ADA lawsuits
- Resources



Question?

“I am not affected by the ADA because I am not changing or remodeling my business, therefore I am grandfathered in”

True__

False__

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Question?

“My building complies with the ADA because my architect, contractor and the building department signed everything off when it was built”

True__

False__

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Question?

“We don’t have any disabled customers. We are a small facility and no one with a disability or a wheelchair has ever come in here. The accessibility requirements don’t apply to us!”

True__

False__

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Question?

“I don’t have to worry about the ADA, that’s the landlords obligation! Or I don’t have to worry about the ADA, that’s the tenants obligation!”

True__

False__

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Question?

So what is all this ADA stuff about anyway?

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Access is good for everyone

- According to the census bureau, **nearly one half of all people over the age of 65 have a disability.**
- There are over 50 million people with disabilities in the united states. **That means one out of every 5 Americans has a disability.** This number keeps growing as our population ages. The number of adults age 65 and over is projected to double by the year 2030.
- **People with disabilities have 175 billion dollars in discretionary spending power.** Twice the spending power of the teenage market and four times the spending power of the market for 8-12 year olds.

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ADA Parts

Title I - **Employment**

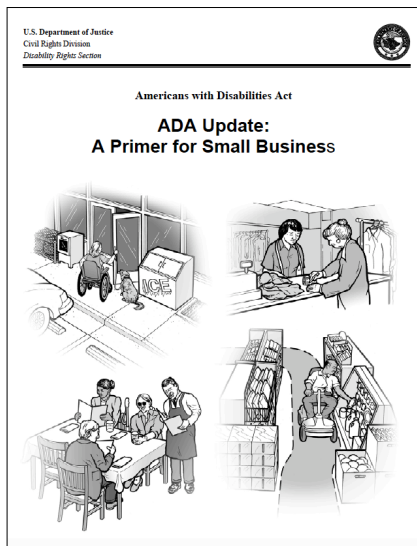
Title II - **Government Services**

Title III - **Public Accommodations**

Title IV - **Telecommunications**

Title V - **Miscellaneous**

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ADA Guide for Small Business

The guide is an informal overview of basic ADA requirements for small businesses



The Americans with Disabilities Act (ADA) is a Federal civil rights law that prohibits exclusion of people with disabilities from everyday activities

Effective date January 26, 1992

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Private Businesses that Serve the Public: Public Accommodations

Applicability

- Private businesses that provide goods or services to the public
- Nearly all types of businesses that serve the public are included, **regardless of size**



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“Readily Achievable Barrier Removal”

“Readily achievable” means easily accomplishable and able to be carried out without much difficulty or expense.

- Determining if barrier removal is readily achievable is, by necessity, a case-by-case judgment.

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Existing Facilities

- Full access may not be possible for many businesses
- There is much that can be done without difficulty or expense
- Physical “Barriers” that are “Readily Achievable” must be removed



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Existing Facilities

ADA recognizes that economic conditions vary



- Business are expected to remove barriers when business is good, but when profits are down barrier removal maybe delayed
- Removal of barriers is an ongoing obligation

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Architectural Barriers

Physical features that limit or prevent people with disabilities from obtaining goods or services

- Parking Spaces
- Steps at Entrance
- Round Door Knobs
- Narrow Aisles
- High Check Out Counters
- Dining Table Without Knee and Toe Space
- Restrooms



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Priorities for Barrier Removal

- Accessible parking
- Access to the business
 - From public sidewalks
 - From parking
 - From public transportation
- Access to areas where goods and services are made available to the public
- Access to public toilet rooms

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Accessible Parking

- Spaces located closest to the Accessible Entrance
- Accessible Route provided between Access Aisle and Entrance
- **GET THE PARKING LOT RIGHT!**



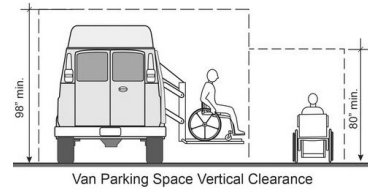
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Van Accessible Parking Space

- One in six Accessible Parking Spaces, but at least one, must be Van Accessible



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- Access with step
- Access behind another vehicle



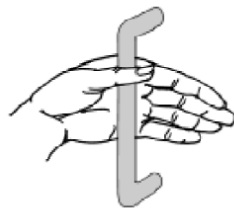
- Access behind vehicle
- Easily modified to compliance



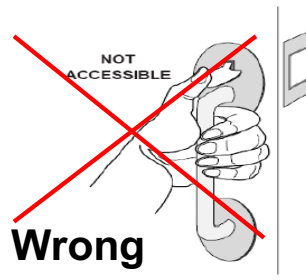
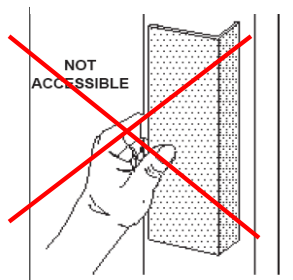
Good Intentions.....



Door Hardware



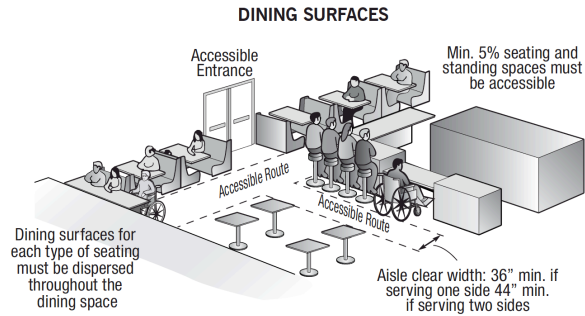
Right



Wrong



Accessible Route and Seating



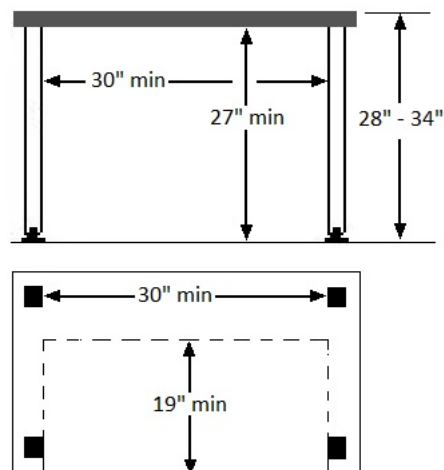
- Must provide an accessible route to fixed seating and tables
- 36" wide accessible route
- 1 accessible seating space/table for every 20 seats (5%)

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Seating and Tables

- 5% or at least one
- Range of choices throughout dining area
- Table top 28" to 34" above floor
- Knee clearance 19" extended under table and 30" wide



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Seating and Tables



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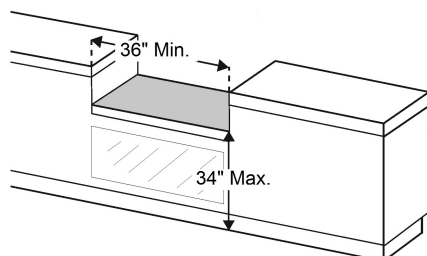
Seating and Tables



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Sales and Service Counters

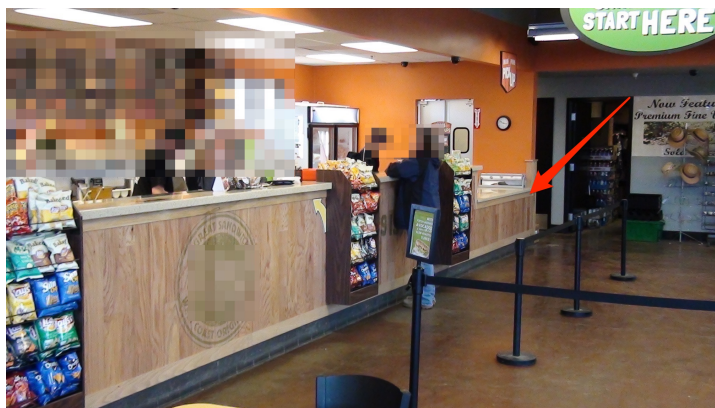


- 36" long and not more than 34" above the floor
- Must be on an accessible route
- Clear floor space in front (30" X 48")

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Sales and Service Counters



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Restrooms



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Restrooms



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Communicating with Customers

- Various ways of communication
- Use of pen and paper
- TDD (telecommunication device for the deaf)
- Large print menus
- Braille
- Audio tape



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Policies and Procedures

- Change policies that exclude or limit participation by people with disabilities
- Service animals must be permitted



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4 Step Plan

1. Do a survey/evaluation
2. Plan a budget for corrections
3. Set priorities and make corrections
4. Annually adjust and review

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Evaluating your business

- Pick items that provide the greatest degree of access to your products and/or services
- It's a continuous obligation
- If Confused? Get help

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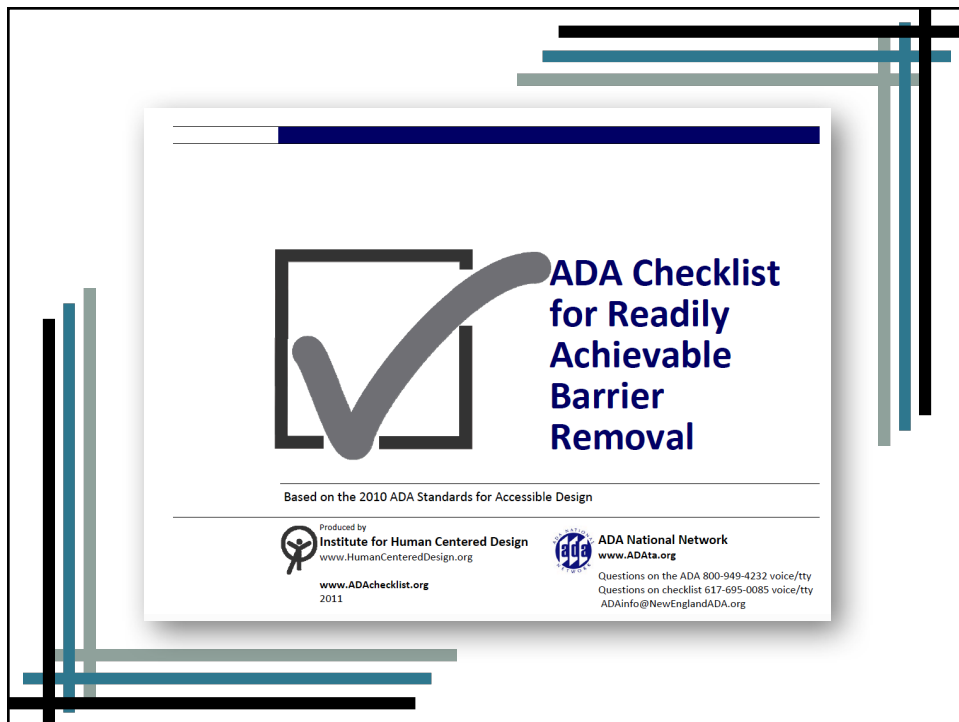


Removing Architectural Barriers

There are many sources for information on Removing Barriers

- ADA Standards for Accessible Design
- U.S. Department of Justice Guides
- Input from the disabled within your community
- Self Survey (ADA Checklist)

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Removing Architectural Barriers

Hire a Certified Access Specialist (CASP)

- Tested, Certified and Regulated by the State
- Specialize in ADA evaluations for businesses
- Legal benefits for businesses such as "Qualified Defendant" status
- Window placard

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All or part of this facility located at _____

☒ has been inspected by a Certified Access Specialist (CASP).

ACCESS INSPECTED

THIS CERTIFICATE DOES NOT IMPLY THAT THIS FACILITY MEETS DESIGN AND CONSTRUCTION REQUIREMENTS FOR ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.

Inspection Date: _____ CASp Signature: _____
CASp Certificate #: _____ CASp Name: _____
(Please Print)
Inspection Certificate #: _____

www.dgs.ca.gov/dsa/Programs/progAccess.aspx



Resources

ADA Information Sources

Department of Justice ADA Information
Line

800-514-0301 (voice)
800-514-0383 (TDD)
202-514-6193 (Electronic Information
Board)
www.usdoj.gov/crt/ada/adahom1.htm

US Equal Employment Opportunity Commission
<http://www.eeoc.gov/eeoc/publications/fs-ada.cfm>

Division of State Architect – www.dgs.ca.gov/casp



Disability and Business Technical Assistance Center (DBTAC)

800-949-4232 (voice and TTD)

CalCAP ADA Financing Program-
<http://treasurer.ca.gov/cpcf/calcap/ada/summary.asp>

Access Board

800-872-2253 (voice)
800-993-2822 (TDD)
www.access-board.gov



Small Business Administration

800-872-5722 (voice/relay)
www.sba.gov

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Tax credits and deductions

- Tax credits allowed for business
- Credit may cover 50% of access expenditures (maximum credit \$5,000)
- Tax deduction available up to \$15,000 per year
- DOJ ADA information line



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The graphic features a dark teal background with white text and decorative horizontal and vertical lines in black, blue, and grey. Silhouettes of people with disabilities, including one in a wheelchair and others using canes, are visible in the background.

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